

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America )

v. )

Mario Lopez Guerrero, )

a.k.a.: Mario Baltazar Lopez Guerrero, )

a.k.a.: Mario Lopez-Guerrero, )

(A201 147 985) )

Defendant

Case No.

17-395MJ

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of June 12, 2013, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Mario Lopez Guerrero, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at Nogales, Arizona, on or about February 3, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein**

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Cassie Bray Woo

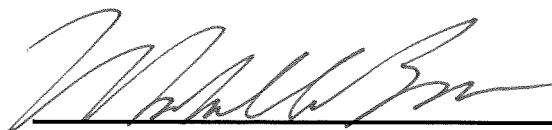
☒ Continued on the attached sheet.


Complainant's signature

Marcus D. Leggett,  
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: September 26, 2017


Judge's signature

City and state: Phoenix, Arizona

Michelle H. Burns,  
United States Magistrate Judge

Printed name and title

### **STATEMENT OF PROBABLE CAUSE**

I, Marcus D. Legget, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On June 12, 2013, Mario Lopez Guerrero was arrested by the Phoenix Police Department and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, Lopez Guerrero was examined by ICE Officer J. Ritchie who determined Lopez Guerrero to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On September 25, 2017, Lopez Guerrero was released from the Arizona Department of Corrections and transported to the Phoenix ICE office for further investigation and processing. Lopez Guerrero was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Mario Lopez Guerrero to be a citizen of Mexico and a previously deported alien. Lopez Guerrero was removed from the United States to Mexico through Nogales, Arizona, on or about February 3, 2011, pursuant to an order of removal issued by an immigration judge. There is no record of Lopez Guerrero in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to

return to the United States after his removal. Lopez Guerrero's immigration history was matched to him by electronic fingerprint comparison.

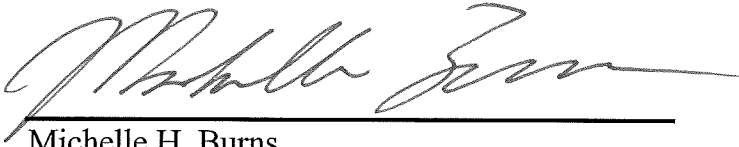
4. Criminal history checks revealed that Mario Lopez Guerrero was convicted of Misconduct Involving Weapons, a felony, on December 27, 2010, in the Superior Court of Arizona, Maricopa County. Lopez Guerrero was sentenced to eighteen (18) months' probation. Lopez Guerrero's criminal history was matched to him by electronic fingerprint comparison
5. On September 26, 2017, Mario Lopez Guerrero was advised of his constitutional rights. Lopez Guerrero freely and willingly agreed to provide a statement under oath. Lopez Guerrero stated that his true and complete name is Mario Baltazar Lopez Guerrero and that he is a citizen of Mexico. Lopez Guerrero stated that he illegally entered the United States in 2013, through Nogales, Sonora. Lopez Guerrero further stated that he had been removed from the United States to Mexico and did not receive permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about June 12, 2013, Mario Lopez Guerrero, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at Nogales, Arizona, on or about February 3, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for

admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

A handwritten signature in black ink, appearing to read "M. Leggett", written over a horizontal line.

Marcus D. Leggett,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 26<sup>th</sup> day of September, 2017.

A handwritten signature in black ink, appearing to read "Michelle Burns", written over a horizontal line.

Michelle H. Burns,  
United States Magistrate Judge